

NOV 16 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Su-Yi CHEN

Art Unit: 2643

Application No.: 09/986,333

Conf. No. 5127

Examiner: TUAN PHAM

Filed: November 8, 2001

Washington, D.C.

For: FALLBACK FUNCTION TELECOMMUNICATIONS DEVICE

Atty.'s Docket: CHEN=332

Date: November 16, 2004

THE COMMISSIONER OF PATENTS  
2011 South Clark Place, Mail Stop Amendment  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

Transmitted herewith is a ☐ Amendment ☒ REPLY: AMENDMENT AND REMARKS in the above-identified application.

☐ Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

☒ No additional fee is required.

☐ The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NO. PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA EQUALS
TOTAL	4	MINUS	** 20	0
INDEP.	1	MINUS	*** 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

ADDITIONAL FEE TOTAL

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 9	\$
x 44	\$
+ 150	\$
ADDITIONAL FEE TOTAL	
\$	

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 18	\$
x 88	\$
+ 300	\$
TOTAL	
\$	

If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

☒ Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

☐ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

☐ First - \$ 55.00  
☐ Second - \$ 215.00  
☐ Third - \$ 490.00  
☐ Fourth - \$ 765.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

☐ First - \$ 110.00  
☐ Second - \$ 430.00  
☐ Third - \$ 980.00  
☐ Fourth - \$ 1530.00

Month After Time Period Set

☐ Less fees (\$ ) already paid for month(s) extension of time on .

☐ Please charge my Deposit Account No. 02-4035 in the amount of \$ .

☐ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ .

☐ A check in the amount of \$ is attached (check no. ).

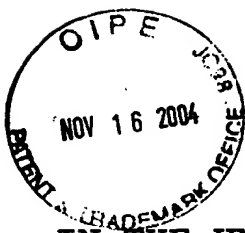
☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

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ATTY.'S DOCKET: CHEN=332

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Su-Yi CHEN	)	Examiner: TUAN PHAM
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Date Filed: November 8, 2001	)	Confirmation No.: 5127
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For: FALLBACK FUNCTION TELE-	)	November 16, 2004
COMMUNICATIONS DEVICE	)	

**REPLY: AMENDMENT AND REMARKS**

Mail Stop Amendment  
Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Replying to the Office Action mailed August 16,  
2004, please amend as follows:

**Amendments to the Claims** are reflected in the  
listing of claims which begins on page 2 of this paper.

**Remarks** begin on page 5 of this paper.